
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
T-Mobile Northeast LLC)	File No.: EB-FIELDNER-14-00015106
)	
Owner of Antenna Structure No. 1251902)	NOV No.: V201432400022
)	
Middletown, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: April 17, 2014

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to T-Mobile Northeast LLC (T-Mobile), owner of antenna structure number 1251902 in Middletown, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On April 4, 2014, agents of the Enforcement Bureau's Philadelphia Office inspected antenna structure number 1251902 located on Industrial Drive in Middletown, Pennsylvania and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "...the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, the ASR Number was not posted.
- b. 47 C.F.R. § 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." At the time of inspection, the medium intensity flashing white light was not functioning.³

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ According to the FCC Antenna Structure Registration for antenna structure number 1251902, the tower requires a dual lighting system with medium intensity obstruction lighting during the daytime and red obstruction lighting at nighttime as specified in FAA Circular Number 70/7460-1K, FAA Chapters 4, 8 and 12.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, T-Mobile must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct T-Mobile to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of T-Mobile with personal knowledge of the representations provided in T-Mobile's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the regulatee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to T-Mobile Northeast LLC at its address of record.

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).